

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CLAUDIA FUNEZ,

Civil Action File No.  
1:12-cv-00259-WSD

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

/

**CONSENT MOTION TO SUBSTITUTE PROPER PARTY DEFENDANTS**

COME NOW Plaintiff Claudia Funez and Defendant Wal-Mart Stores, Inc. and file this joint motion to substitute as party defendants Wal-Mart Stores East, LP for Wal-Mart Stores, Inc. as the operator of the premises in question. In support of said motion, the parties show as follows:

1.

The parties have reached an agreement substituting Wal-Mart Stores East, LP as the proper Wal-Mart defendant in place of Wal-Mart Stores, Inc., and providing the Summons and Complaint originally filed in this action, and the Answer of Wal-Mart Stores, Inc. shall be deemed to be the Summons, Complaint, and Answer of Wal-Mart Stores East, LP, without the necessity of filing a new Complaint and Summons or additional Answer.

WHEREFORE, the parties pray that the Court approve the Consent Order filed with this motion, and that the Court grant such other and further relief as is just and appropriate.

This 3rd day of February, 2012.

CONSENTED TO BY:

BRUCE A. HAGEN, PC

MCLAIN & MERRITT, P.C.

/s/ Bruce A. Hagen  
Bruce A. Hagen, Esq.  
Attorneys for Plaintiff  
(By Albert J. DeCusati,  
with express permission)

/s/ Albert J. DeCusati  
Albert J. DeCusati, Esq.  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **CONSENT MOTION**  
**TO SUBSTITUTE PROPER PARTY DEFENDANT and PROPOSED ORDER**

has this day been served upon opposing counsel, by placing same in the United States  
Mail, postage prepaid, and addressed as follows:

Bruce A. Hagen, Esq.  
Myrlin D. Earle, Esq.  
Bruce A. Hagen, P.C.  
119 North McDonough Street  
Decatur, Georgia 30030-3300

This the 3rd day of February, 2012.

McLAIN & MERRITT, P.C.

/s/ Albert J. DeCusati  
Albert J. DeCusati  
Georgia Bar No. 215610  
Attorney for Defendants

3445 Peachtree Road, N.E.  
Suite 500  
Atlanta GA 30326  
(404) 266-9171  
adecusati@mclain-merritt.com